FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1016 OF 2006
IN
SECOND APPEAL STAMP NO. 12003 OF 2006

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr. V.D. Patil for applicants.
Mr. V.S. Talkute for respondent no.1.

CORAM: B.H. MARLAPALLE,J.

24/04/2007.

P.C.:

. Heard Mr. Patil the learned counsel for the applicants and Mr. Talkute the learned counsel for respondent no.1.

. Second Appeal under Stamp No. 12003 of 2006 has been filed but beyond time by 6 years and 302 days. Hence this application for condonation of delay.

. It is contended by the applicants that their predecessor Shri Gajanan Pisal

was impleaded as respondent no.2 in Regular Civil Appeal No. 51 of 1990 and during the pendency of the appeal he died on 10/10/1996. No steps were taken by the learned counsel for the appellant to bring on record the LRs of Gajanan i.e. present applicants and the appeal came to be decided on 7/7/1999 and that too against respondent no.2 while he was dead. The Lower Appellate Court decree is for partition of 1/3rd share between three brothers i.e. Gajanan, Bhaguji and Sambhu. The applicants were not aware of the pendency of the appeal which was being prosecuted by their predecessor Gajanan and, therefore, they pray for condonation of delay. Mr.Talkute has opposed this application.

. Delay condoned subject to payment of costs quantified at Rs.1000/- and to be

remitted to the Maharashtra State Legal Services Authority within two weeks from today.

. The application is allowed in terms of prayer clause (a). Appeal memo be amended accordingly.

(B.H. Marlapalle,J.)